

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BERNADINE T. GRIFFITH

Plaintiff,

v.

ONEBEACON INSURANCE COMPANY,
ONEBEACON AMERICA INSURANCE
COMPANY, MICHAEL A. SISTO, and
KAREN ALLEN HOLMES

Defendants.

C.A. No. 03-CV-12573-EFH

AFFIDAVIT OF HARVEY S. WAXMAN, Ph. D.

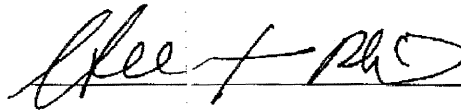
I, HARVEY S. WAXMAN, Ph. D., declare under penalty of perjury that the following is true and correct:

1. I am a licensed psychologist in the Commonwealth of Massachusetts.
2. I have been retained by the defendants in this case to conduct a mental examination of the plaintiff, Bernadine Griffith.
3. I am advised by counsel for the defendants that the Court (Judge Harrington) has granted defendants' motion which specifically sought the Court's approval of their request that I be authorized to conduct a mental examination of the plaintiff.
4. In preparation for conducting this examination I have already devoted considerable time to reviewing relevant documents, including the plaintiff's medical

records and the transcript of her deposition.

5. I understand that the plaintiff has demanded that she be permitted to tape record the examination. I have advised counsel for defendants that based on my professional experience I am opposed to this. The knowledge that a tape recorder is running makes people more self-conscious and reduces the candor and openness of the individual during examination. An individual who may have been becoming somewhat frank with me is likely to retreat to a more guarded, less forthcoming manner as a result of such intrusion. This is the basis for my not wishing to have the plaintiff record the mental examination on audio tape.

Dated: June 13, 2005

A handwritten signature in black ink, appearing to read "H. S. Waxman" followed by a stylized flourish.

Harvey S. Waxman, Ph. D.